



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Re: Application of Roman Golicz et al.

Serial No. 08/962,077

Date: October 15, 2001

Filed: September 14, 1998

Examiner: H. Skaggs, Jr.

Applicant: Roman Golicz et al.

Art Unit: 3651

Title: Sheet Feeding Apparatus

Atty. No. 9534

To: Asst. Commissioner for Patents

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THIRD PRELIMINARY AMENDMENT
AND
RESPONSE TO RESTRICTION REQUIREMENT

1. Please amend the specification for the third time, as shown in the enclosed marked up copy of the specification bearing even date. A substitute specification, having the present and prior two amendments implemented, is enclosed.

2. Please amend the claims as follows:

Implement the amendments shown on the marked up copy of the claims, attached. A complete set of pending claims 26-44, as amended, is provided.

REMARKS

The Declaration

Applicants enclose a declaration. Although not requested, they submit it in the interest of prudence and completeness, given the torturous pre-examination history of the application.

The Amendments

The specification is amended for clarity and ^{to} better state what the drawings show and to correct minor errors.

The claims are amended to better state the invention and to hopefully enable alleviation of the restriction requirement. They are discussed further below.

Response to the Restriction Requirement

Applicants respond to the office action of 9/28/01 (Paper No. 15) and the restriction requirement. Applicants note there was no species VIII.

While examiner follows PTO practice, applicants object to a restriction with respect to Figures, since it is the claims which are to be examined for patentability, and the Figures do not all show the entirety of an invention, but only a fragment thereof. Applicants object to the form of the restriction requirement, because examiner has not supported with reasoning or clarity how or why the species are patentably distinct. See MPEP 814-817. Applicants dispute that there are 9 or 10 patentably distinct species, for reasons stated herein.

*Not
elect*
Applicants enclose for reference a copy of the cover page and claims from United Kingdom patent GB 2319767. The UK patent claims with minor modifications are those of this present prosecution, excluding UK claims 18-19 and 21.¹ The other UK claims are not in the present application. UK has requirements for unity of invention equal or greater than those of the U.S. The British examiner in a thorough office action did not contend there was lack of unity of claims pending in this present application. (She did assert non-unity with respect to what is now UK claim 19 when it was in independent form. That claim relates to apparatus of the type shown in Fig. 26.)

Applicants elect Species I with traverse for the reasons stated above and below. Claims which read on Species I are 26-36 and 39.

Applicants disagree that there are no generic claims and that the species pictured are patentably distinct, as the examiner asserts in Paper No. 15. Claims 34 and 39 have now been made dependent.

*Not
elect*
Applicants request reconsideration and reassessment and withdrawal of the restriction, in view of the now-amended-claims, the interdependency of the claims, and the facts and argument presented here. Claims 26 and 37 are generic. The claim set 26-36 and 39 also reads on Fig. 10-18 and (Species II-V). The claim set 37, 38, 40-44 read on Fig. 19-24, (Species VI, VII and IX). Some of the latter figure set picture only parts of the claimed inventions, as stated in the Brief Description of the Drawing, in combination with the description text.

Authorization to Charge Fees

Applicants do not believe any fees are payable. However, if there are any charges, please charge the fees to Deposit Account No. 14-0711.

Respectfully submitted,
ROMAN GOLICZ et al.

By *C. Gressler*
Their Attorney

¹ The correspondence is as follows (the wording is not exactly identical):

British	US
1-8	26-33
9-17	36-44
20	34
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner of Patents, Washington, D.C. 20231 on October 15, 2001.



C. G. Nessler